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Attorneys for Plaintiffs and the Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JUAN QUINTANILLA VASQUEZ,
GABRIELA PERDOMO ORTIZ, VICTOR
HUGO CATALAN MOLINA, and KEVIN
CALDERON, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

LIBRE BY NEXUS, INC. and JOHN DOES
1-50,

Defendants.

Case No. 4:17-cv-00755-CW

**DECLARATION OF KEVIN
CALDERON IN SUPPORT OF
PLAINTIFFS' MOTION FOR FEES,
COSTS, AND SERVICE AWARDS**

Judge: Hon. Claudia Wilken

- 1 1. My name is Kevin Calderon. I am a named Plaintiff and Class Representative in this
2 case. I have personal knowledge of the facts set forth in this declaration and could and
3 would testify competently to them if called upon to do so. I am providing this declaration
4 in support of Plaintiffs' Motion for Fees, Costs, and Service Awards.
- 5 2. I came to the United States in April 2013, fleeing death threats by gang members and
6 criminals who murdered my father.
- 7 3. My wife, Gabriela Perdomo Ortiz, came to the United States in April 2015 seeking
8 asylum.
- 9 4. She was placed in detention in Houston, Texas, and an Immigration Judge set her bond
10 for \$20,000.
- 11 5. My wife and I eventually contacted Libre by Nexus (LBN), who arranged for her bond to
12 be paid.
- 13 6. In exchange, we made payments to LBN and my wife had to wear an ankle monitor.
- 14 7. My wife and I believed that LBN could cause her to be sent back to immigration
15 detention or Honduras. At one point, an LBN employee told her that she could be
16 incarcerated if we missed payments.
- 17 8. We paid a total of over \$23,000 to LBN, including up front and monthly fees.
- 18 9. My family has a modest income and we have undergone substantial hardship paying fees
19 to LBN and for our other expenses. For instance, we have had to forgo buying groceries
20 at times.
- 21 10. In May 2017, I met with Aidin Castillo, an attorney for Centro Legal to discuss my
22 experience with LBN and participating in a lawsuit that my wife was already a part of.
- 23 11. Over the course of several weeks in June 2017, I had multiple meetings and calls with
24 Ms. Castillo and other attorneys about the facts in this case. I traveled to Centro Legal's
25 office at least two times that month for meetings and a call with other attorneys on the
26 case.
- 27 12. In June 2017, I also met with the attorneys to review the complaint in the case and to
28 share and discuss the documents involved.

1 13. In July 2017, I had phone calls and met with the attorneys to prepare for a deposition. I
2 then went to the deposition in San Francisco, which lasted all day.

3 14. In 2018 and 2019, I stayed in contact with the attorneys to answer questions about facts
4 and get updates on the case and settlement talks.

5 15. In about October 2019, I met with the attorneys to review and sign a retainer to become a
6 named plaintiff and represent the sponsors in this case.

7 16. In 2020, I had more phone calls with my attorneys to discuss and review the settlement
8 and other updates.

9 17. During this time, I have also spent many hours talking with my wife and family and
10 thinking about the case on my own, to prepare for meetings and the deposition. I also
11 made time to be available to speak with the attorneys during a number of mediations, and
12 reviewed and corrected my deposition transcript.

13 18. I did all of this even though it was very difficult for me and my family, because I cared
14 about changing the policies at LBN for others in my situation.

15 19. I decided to file this class action because I knew that many others were affected by the
16 same policies, but would be too scared to come forward. I felt a responsibility to stand
17 up for their rights too.

18 20. However, I was also very frightened about proceeding. My wife had fled Honduras
19 because of violence to seek asylum. She had also just gotten out of immigration
20 detention, because LBN had arranged for her bond to be paid. Our immigration removal
21 proceedings to decide our asylum claims were pending.

22 21. I was particularly frightened that LBN or ICE could retaliate against us for filing this
23 lawsuit, and put my wife back in detention or send her back to Honduras. I was scared
24 they would call immigration about both of us.

25 22. Our immigration case is still ongoing and just thinking that we could be sent back would
26 make us feel very anxious. We have a young daughter who is a U.S. citizen and she
27 deserves to grow up here, but that could have been taken away if LBN ever called
28 immigration.

1 23. My wife and I definitely had moments where we thought we had not made the right
2 decision in joining the lawsuit. We were scared, but then we remembered how hard it has
3 been for us to make payments. There were times when we didn't buy enough groceries
4 because we knew we had to save money to make payments, and that was really difficult
5 to remember. We also had to borrow money on two occasions to be able to make the
6 monthly payments. It is always difficult to ask for money. People don't really want to
7 help you and you feel like you owe them more than the money.

8 24. My attorneys also told me that a class action could take a long time and that there was no
9 guarantee we would win anything. They also told me that class actions could be difficult
10 and time-consuming and that I would have to act in the best interest of others who went
11 through a similar process with LBN, even if it meant a greater sacrifice from me.

12 25. Over the last three years, I have been very anxious about this case and possible
13 retaliation.


14 26. The deposition was especially hard. I couldn't sleep for about two weeks before then. I
15 was worried LBN would retaliate against my wife and put the ankle shackle back on her.
16 I was really nervous the entire time.

17 27. My goal has always been to make sure LBN is fair to everyone who is in the program,
18 not just those who have lawyers. I am hopeful that this case will make sure things turn
19 out that way for everyone.

20 28. I did not expect, nor was I ever promised that I would receive a service award. However,
21 I believe that the proposed service award would fairly compensate me for the time, effort,
22 and sacrifices I have made with this case. I also understand that I have signed a release
23 of all claims I could have against LBN, which is a bigger release than the rest of the class.

24 29. I am very proud of the outcome of this case because I believe it will make things better
25 for other clients and sponsors of LBN.
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1 I declare under penalty of perjury under the laws of California that the foregoing is true
2 and correct, and that this declaration was executed in Oakland, California, on September 1, 2020.

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6 KEVIN CALDERON
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